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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

18 ORACLE USA, INC., a Colorado corporation;
19 ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
20 CORPORATION, a California corporation,

Plaintiffs,
21 v.

22 RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

23 Defendants.

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Case No 2:10-cv-0106-LRH-PAL

**DECLARATION OF GEOFFREY M.
HOWARD IN SUPPORT OF
ORACLE'S OPPOSITION TO
DEFENDANT RIMINI STREET'S
EMERGENCY MOTION FOR
PROTECTIVE ORDER REGARDING
CUSTOMER DEPOSITIONS**

1 I, Geoffrey M. Howard, declare as follows:

2 1. I am a member of the State Bar of California, and a partner at Bingham
3 McCutchen LLP, counsel of record for Plaintiffs Oracle USA, Inc., Oracle America, Inc. and
4 Oracle International Corporation (collectively, "Oracle") in this action. I have personal
5 knowledge of the matters stated in this declaration by virtue of my representation of Oracle in
6 this action. If called and sworn as a witness, I could and would competently testify as to such
7 matters.

8 2. Attached as **Exhibit A** is a true and correct copy of an article, *The Man Behind
9 'Half Off' Third-Party Software Maintenance*, written by Thomas Wailgum and published on
10 April 11, 2008 in CIO. This article is available at http://www.cio.com/article/333313/The_Man_Behind_Half_Off_Third_Party_Software_Maintenance.

12 3. Attached as **Exhibit B** is a true and correct copy of transcript excerpts from
13 Oracle's Deposition of Michael Davichick, taken on July 21, 2011. The excerpts include
14 263:24-264:16.

15 4. Attached as **Exhibit C** is a true and correct copy of transcript excerpts from
16 Oracle's Deposition of Thomas O'Brien, taken on November 7, 2011. The excerpts include
17 22:14-19.

18 5. Attached as **Exhibit D** is a true and correct copy of the Complaint for Damages
19 and Injunctive Relief for: (1) Violations of the Computer Fraud and Abuse Act; (2) Violations of
20 the Computer Data Access and Fraud Act; (3) Intentional Interference with Prospective
21 Economic Advantage; (4) Negligent Interference with Prospective Economic Advantage, Case
22 No. 07-CV-01658, N.D. Cal., Dkt 1.

23 6. Attached as **Exhibit E** is a true and correct copy of a document produced by CKE
24 Restaurants, Inc. in this matter, Bates number CKE-SUB00218-23.

25 7. Attached as **Exhibit F** is a true and correct copy of transcript excerpts from
26 Oracle's Deposition of Seth Ravin, taken on May 21, 2009. The excerpts include 70:23-71:8.

27 8. Attached as **Exhibit G** is a true and correct copy of a document produced by
28 Birdville Independent School District in this matter, Bates number BISD-SR00168-72, also

1 identified as Strong Deposition Exhibit 602.

2 9. Attached as **Exhibit H** is a true and correct copy of the Trial Stipulation and
3 Order No. 3 Regarding Certain Facts (“TomorrowNow Stipulation”), Case No. 07-CV-01658,
4 N.D. Cal. Dkt. No. 911.

5 10. Attached as **Exhibit I** is a true and correct copy the Plea Agreement, Case No. CR
6 11-00642, N.D. Cal., Dkt No. 13.

7 11. Attached as **Exhibit J** is a true and correct copy of a document produced by
8 Reflexite, in this matter, Bates number REFLEXITE-SUB01890-95.

9 12. Attached as **Exhibit K** is a true and correct copy of transcript excerpts from
10 Oracle’s Deposition of Kim Cabada, taken on November 3, 2011. The excerpts include 14:7-
11 17:23, 18:9-19:3, and 20:1-8.

12 13. Attached as **Exhibit L** is a true and correct copy of a document produced by
13 Wendy’s International in this matter, Bates number WENDYS-SUB00055.

14 14. Attached as **Exhibit M** is a true and correct copy of transcript excerpts from
15 Oracle’s Deposition of Clark Strong, taken on October 20, 2011. The excerpts include 57:19-
16 58:25.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed in San
18 Francisco, California, on November 10, 2011.

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20 DATED: November 10, 2011 BINGHAM McCUTCHEN LLP

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By: /s/ Geoffrey M. Howard

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Geoffrey M. Howard

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Attorneys for Plaintiffs

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Oracle USA, Inc., Oracle America, Inc.,
and Oracle International Corp.

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